

[Shri Janardhan Poojari]

2. Government have now decided to pay these two instalments of Dearness Allowance to the Central Government employees in cash along with the salary of January, 1985. Orders in this behalf will be issued by the Ministry of Finance soon.

3. Along with the payment of Dearness Allowance to the serving Central Government employees, Dearness Relief to pensioners including family pensioners is also sanctioned. Government have also decided to sanction two instalments of Dearness Relief to the pensioners with effect from 1.8.1984 and 1.11.1984. Orders in this regard will also be issued by the Ministry of Finance soon.

4. The financial burden on the Exchequer during the current year as a result of payment of two instalments of Dearness Allowance would approximately be Rs. 64.17 crores and on account of Dearness Relief to the pensioners would approximately be Rs. 7.33 crores.

12.23 hrs.

BUSINESS OF THE HOUSE

[English]

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS (SHRI H.K.L. BHA-
GAT): With your permission, Sir, I
rise to announce that Government Busi-
ness in this House during the week com-
mencing 21st January, 1985, will consist
of :

1. Discussion on the Motion of Thanks on the President's Address.
2. Consideration and passing of :
 - (a) The Representation of the People (Amendment) Bill, 1985.

(b) The Foreign Contribution (Regulation) Amendment Bill, 1985.

(c) The Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Bill, 1985.

3. Discussion and voting on :

(a) Supplementary Demands for Grants (General) for 1984-85.

(b) Demands for Excess Grants (General) for 1982-83.

(c) Supplementary Demands for Grants (Railways) for 1984-85.

(d) Demands for Excess Grants (Railways) for 1982-83.

(e) Supplementary Demands for Grants for the State of Punjab for 1984-85.

4. Consideration and passing of the following Bills, as passed by Rajya Sabha :

(a) The General Insurance Business (Nationalisation) Amendment Bill, 1985.

(b) The National Capital Region Planning Board Bill, 1985.

(c) The Sugar Undertakings (Taking Over of Management) Amendment Bill, 1985.

(d) The Gangtok Municipal Corporation (Amendment) Bill, 1985.

5. Consideration and passing of the Administrative Tribunal Bill, 1985.

PROF. MADHU DANDAVATE (Rajapur) : Sir, I would like to suggest the following items to be included for next week's business.

- (1) Discussion on the statement by the Minister for Chemicals and Fertilizers on the tragic accident in the Union Carbide Plant at Bhopal.
- (2) Discussion on the intrusion of Lankan Naval boat into Indian territory, killing Indian fishermen.

PROF. SAIFUDDIN SOZ (Baramulla): Sir, I would like the following subject to be discussed next week.

Election law is deficient in many ways and it is the need of the hour that Parliament pays attention to it. While election procedure has been explained in the Manual and other rules there are loopholes which can jeopardise the very purpose for which the elections are held. The Election Law does not require marginal changes, but a drastic revision. The law needs to be simplified and nothing should be left to the vagaries of a returning officer or a Presiding Officer. It is very strange that no qualifications stand prescribed for appointment of a Returning Officer or a Presiding Officer. The Presiding Officer carries a great responsibility, but there is no check on the appointment of people of doubtful character and incompetence as Presiding Officers.

SHRI G.G. SWELL (Shillong) : Sir, on a point of order. I would like to know what is going on in the House. We are discussing the List of Business for the next week, alternative proposals or additions to be made, and here the hon. Member makes a speech on the election law. I would like to know what is going in the House. What is the order in the House? Mr. Chairman, will you kindly give a ruling? (*Interruptions*)

MR. CHAIRMAN : These submissions have been approved by the Speaker. I

am allowing the hon. Members to make them.

SHRI G.G. SWELL : I would like this point to be made clear as to how submissions can be made... (*Interruptions*)

PROF. SAIFUDDIN SOZ : I am not yielding. If he repeats like this... (*Interruptions*)

SHRI G.G. SWELL : I want this point to be made clear.

MR. CHAIRMAN : There is no point of order. The business is in order. The hon. Member is on his legs. Please resume your seat.

SHRI G.G. SWELL : I would like simple answer.

MR. CHAIRMAN : Kindly resume your seat.

SHRI G.G. SWELL : I want a simple answer; nothing else. When the List of Business for the Next Week is announced, can we make submissions?

MR. CHAIRMAN : He is reading the draft which has been approved by the Speaker.

PROF. SAIFUDDIN SOZ : He might have been in the Lok Sabha some years back, but this is the procedure now.

SHRI G.G. SWELL : What kind of order is it... (*Interruptions*)

PROF. SAIFUDDIN SOZ : Sir, why should he interrupt me? You must admonish him. He must be admonished by the Speaker. I do not know why... (*Interruptions*)

MR. CHAIRMAN : I have allowed you to speak.

PROF. SAIFUDDIN SOZ : You admonish him for making this interruption. He must learn to...*(Interruptions)*
The next time he does it...*(Interruptions)*

SHRI G.G. SWELL : I do not care.

MR. CHAIRMAN : The hon. Member has a point of order, which he raised. I have ruled it out.

PROF. SAIFUDDIN SOZ : This is a draft, which has been approved by the Speaker. He does not know it.

MR. CHAIRMAN : Why do you discuss it ? Please go on.

PROF. SAIFUDDIN SOZ : Since he has interrupted me, I will read it afresh. This is very important.

Sir, I would like the following subject to be discussed next week :

Election law is deficient in many ways and it is need of the hour that the Parliament pays attention to it. While election procedure has been explained in the manual and other rules, there are loopholes which can jeopardise the very purpose for which the elections are held. The Election Law does not require marginal changes but a drastic revision. The law needs to be simplified and nothing should be left to the vagaries of a returning Officer or a Presiding Officer. It is very strange that no qualifications stand prescribed for appointment of a Returning Officer or a Presiding Officer. The Presiding Officer carries a great responsibility, but there is no check on the appointment of people of doubtful character and incompetence as Presiding Officers. The law does not even specifically provide that the contesting candidates can have the list of Presiding Officers before the date of polling yet the candidates have been given the right to challenge the appointment of nearest relatives of a rival candidate as Presiding Officers. The Returning Officers possess vast powers to take decisions which can

be challenged in Courts only and Election Commission itself can do nothing but watch the situation helplessly. This kind of defective law has to be scrapped.

AN HON. MEMBER : Sir, I want to make a submission.

MR. CHAIRMAN : No submission except those which have been accepted by the Speaker.

[Translation]

SHRI HARISH RAWAT (Almora) : Mr. Chairman, Sir, the entire populace of India has already recognised late Prime Minister, Shrimati Indira Gandhi, as the 'Mother of the Nation', from the core of their hearts. The Parliament has to accept this verdict of the people. A motion to this effect may be listed for discussion in the business for the next week.

[English]

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) : I beg to make the following submission for inclusion in the next week's business of the House :

Very serious drought conditions in Orissa since September, 1984 had caused large-scale crop loss in 7.83 lakh hectares in 138 blocks of the State, including Bhubaneswar, Khurda and Nayagarh sub-divisions affecting and causing widespread misery to a population of over fiftyfive lakhs. Earlier, standing crops in 4.19 lakh hectares were also damaged by floods. The Central Government should come in a big way to the assistance of millions of drought-affected people of the State immediately. I urge upon the Government to include this urgent matter in the agenda for the next week's business in the House.

SHRI S.M. BHATTAM (Visakhapatnam) : Sir, I would like the following to be discussed next week :

Article 75(4) of the Constitution requires a Minister to take oath of office

and of secrecy according to the terms set out for the purpose in the 3rd Schedule.

(*Interruption*)**

MR. CHAIRMAN : Do not make statements. Read only the approved draft. That part which has not been approved will not go on record.

SHRI S.M. BHATTAM : This was not done in respect of the members of the Cabinet. All the Ministers jointly and collectively seem to have taken an oath, which is not in conformity with the Constitutional requirements. This would ultimately mean that the Ministers constituting the present Cabinet have not taken oath in terms of the Article 75(4), which would mean that they have no constitutional and legal authority and right to assume and perform the functions of a Minister. This House, therefore, is constrained to take the strictly legal and constitutional view of what is reported as a collective and mass scale oath taking which is neither visualised under the Constitution, nor sanctioned and approved by it.

I raise this important, grave and urgent matter of public importance inasmuch as the technically legally valid Government constituted as per the spirit and requirements of the Constitution is not obtaining in this country to transact the business of the Government, much more so the business of the August House.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI H. K. L. BHAGAT) : Sir, I have listened to all the submissions made to the Chair regarding the business for the next week commencing from 21st. These are for consideration of the Business Advisory Committee. When it meets, these matters will be placed before it and they will go into that question. I will inform the Ministers concerned also.

SHRI S.M. BHATTAM : I did not get him, Sir.

Mr. CHAIRMAN : Regarding the suggestions of everybody, the hon. Minister says that they will be discussed in the Business Advisory Committee, is that so ?

SHRI H.K.L. BHAGAT : Yes, Sir.

12.35 hrs.

REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL*

[*English*]

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN) : Sir, I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1951.

MR. CHAIRMAN : The question is :

“That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951.”

The motion was adopted.

SHRI A.K. SEN : Sir, I introduce the Bill.

STATEMENT GIVING REASONS FOR
IMMEDIATE LEGISLATION BY THE
REPRESENTATION OF THE PEOPLE
(AMENDMENT) ORDINANCE, 1984

[*English*]

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN) : Sir, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Representation of the People (Amendment) Ordinance, 1984.

**Not recorded.

*Published in Gazette of India Extraordinary Part-II Section 2 dated 18.1.1985.